

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION (DAYTON)**

BRIAN MCCOMB,	:	Case No. 3:25-cv-00053
	:	
Plaintiff,	:	District Judge Walter H. Rice
	:	Magistrate Judge Caroline H. Gentry
vs.	:	
	:	
CEO JOEL BRAY LACKEY, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**NOTICE OF DEFICIENCY
AND ORDER FOR AMENDED APPLICATION**

Plaintiff Brian McComb recently submitted a *pro se* Complaint to this Court alleging improper debt collection practices. The resulting case has been assigned to Senior District Judge Walter H. Rice and referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b).

The case is currently before the Magistrate Judge to consider Plaintiff McComb's Application to proceed *in forma pauperis* and without prepaying the filing fees. (IFP Application, Doc. No. 1 at PageID 1-3.) The total cost is \$405, which consists of a civil filing fee of \$350, plus a \$55 administrative fee. *See* 28 U.S.C. § 1914; Administrative Office of the U.S. Courts, *District Court Miscellaneous Fee Schedule*, United States Courts, available at <https://www.uscourts.gov/services-forms/fees/district-court-miscellaneous-fee-schedule> (last visited Mar. 27, 2025). For the reasons explained next, the Court will require Plaintiff to file an Amended Application to clarify certain information before making a decision on his request.

“To proceed *in forma pauperis*, plaintiffs need not promise to give ‘the last dollar they have or can get’ to the point that they ‘make themselves and their dependents wholly destitute.’” *Stansberry v. Pappadeaux*, No. 1:22-cv-667, 2023 WL 2133488, at *2 (S.D. Ohio Feb. 21, 2023) (quoting *Adkins v. E.I. DuPont De Nemours & Co., Inc.*, 335 U.S. 331, 339 (1948)). “Instead, a plaintiff must merely show that he is unable to, ‘because of his poverty, pay or give security for the [filing] costs and still be able to provide himself and dependents with the necessities of life.’” *Id.* Courts “generally consider an applicant’s employment, annual income and expenses, and any other property or assets the individual possesses.” *Crochran Through Shields v. Columbus City Sch.*, No. 2:15-cv-632, 2017 WL 11634750, at *1 (S.D. Ohio Nov. 20, 2017). The Court will accordingly require Plaintiff to clarify these pieces of information here.

Plaintiff states in his IFP Application that he is employed. (Doc. No. 1 at PageID 2.) However, the amount he earns per month from this employment is partially illegible. (*Id.*) It also appears to conflict with his negative response to a question asking if he “received any income from a business, profession or other form of self-employment, or in the form of rent payments, retirement benefits, annuity payments, interest or dividends, or any other source” during the past twelve months. (*Id.* at Question IV.) Plaintiff must clarify his monthly and yearly income.

Plaintiff must also list the amount he pays each month to creditors and clarify whether he pays \$150 or \$600 per month to support his dependents. (Doc. No. 1 at PageID 3, Questions VII and III.)

The Court **ORDERS** Plaintiff to complete and submit an Amended Application to proceed *in forma pauperis* **within thirty (30) days** from the date of this Order. If he fails to respond to this Order, the undersigned may recommend to the District Judge that his Application be denied, or that the case be dismissed because he failed to comply with a Court order. If Plaintiff needs additional time to prepare his Amended Application, he may file a Motion for Extension of Time telling the Court why he needs more time.

In the alternative, Plaintiff may pay \$405 to the Clerk of Court **within thirty (30) days.**

Plaintiff is **ADVISED** that he must update his address with the Court while this case is pending. Blank forms, as well as a Guide for Pro Se Civil Litigants, may be found on the Court's website, <https://www.ohsd.uscourts.gov/>.

IT IS SO ORDERED.

s/ Caroline H. Gentry
Caroline H. Gentry
United States Magistrate Judge